

AMENDED IN SENATE MAY 10, 2012

AMENDED IN SENATE MARCH 29, 2012

**SENATE BILL**

**No. 1229**

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**Introduced by Senator Pavley**

(Principal coauthor: Assembly Member Dickinson)

(Coauthors: Assembly Members Gatto and Portantino)

February 23, 2012

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An act to add Section 1942.7 to the Civil Code, relating to rental property.

LEGISLATIVE COUNSEL'S DIGEST

SB 1229, as amended, Pavley. Real property: rentals: animals.

Existing law regulates the terms and conditions of residential tenancies and governs the obligations of tenants and landlords under a lease or tenancy.

This bill would prohibit a landlord, that allows a tenant to have an animal on the premises, from advertising or establishing rental policies in a manner that requires a tenant or a potential tenant with an animal to have that animal declawed or devocalized as a condition of occupancy. This bill would impose a civil penalty, not to exceed \$1,000, for each violation of these provisions, to be paid to the person or entity that brings the action. This bill would specifically authorize a person to seek declaratory or injunctive relief for a violation of this prohibition.

This bill would additionally authorize specified law enforcement prosecutorial entities to enforce these prohibitions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares:

(a) The permanence of declawing and devocalizing contrasts with the temporary nature of the occupancy of real property owned by another, which generally lasts only for a fixed term and may be terminated upon notice by one of the parties.

(b) Therefore, it is the intent of the Legislature to restrict the ability of a person or corporation to impose conditions on occupancy of property that are based on declawing or devocalizing an animal that is allowed on the premises.

SEC. 2. Section 1942.7 is added to the Civil Code, to read:

1942.7. (a) A person or corporation that occupies, owns, manages, or provides services in connection with any real property, including the individual's or corporation's agents or successors in interest, and that allows an animal on the premises, shall not do any of the following:

(1) Advertise, through any means, the availability of real property for occupancy in a manner designed to discourage application for occupancy of that real property because the applicant's animal has not been declawed or devocalized.

(2) Refuse to allow the occupancy of any real property, refuse to negotiate the occupancy of any real property, or otherwise make unavailable or deny to any other person the occupancy of any real property because of that person's refusal to declaw or devocalize any animal.

(3) Require any tenant or occupant of real property to declaw or devocalize any animal allowed on the premises.

(b) For purposes of this section, the following definitions apply:

(1) "Animal" means any mammal, bird, reptile, or amphibian.

(2) "Application for occupancy" means all phases of the process of applying for the right to occupy real property, including, but not limited to, filling out applications, interviewing, and submitting references.

(3) "Claw" means a hardened keratinized modification of the epidermis, or a hardened keratinized growth, that extends from the end of the digits of certain mammals, birds, reptiles, and amphibians, often commonly referred to as a "claw," "talon," or "nail."

1 (4) “Declawing” means performing, procuring, or arranging for  
2 any procedure, such as an onychectomy, tendonectomy, or  
3 phalangectomy, to remove or to prevent the normal function of an  
4 animal’s claw or claws.

5 (5) “Devocalizing” means performing, procuring, or arranging  
6 for any surgical procedure such as a vocal cordectomy, to remove  
7 an animal’s vocal cords or to prevent the normal function of an  
8 animal’s vocal cords.

9 (6) “Owner” means any person who has any right, title, or  
10 interest in real property.

11 (c) (1) In addition to any person harmed by a violation of this  
12 section, a city attorney, district attorney, or other law enforcement  
13 prosecutorial entity has standing to enforce this section and may  
14 sue for declaratory relief, injunctive relief, or for monetary relief  
15 as provided in paragraph (2).

16 (2) In addition to any other penalty allowed by law, a violation  
17 of this section shall result in a civil penalty of not more than one  
18 thousand dollars (\$1,000), per animal, to be paid to the person or  
19 entity that is authorized to bring an action under this section.